

## **REMARKS**

### **Claim Rejections**

Claims 7, 8, 17 and 18 are objected to because of informalities. Claims 7, 8, 9, 18 and 19 are rejected under 35 U.S.C. § 112, first paragraph, as based on a disclosure, which is not enabling. Claims 1, 10, 11, 14 and 17 are rejected under 35 U.S.C. § 112, second paragraph, as failing to set forth the subject matter which applicants regard as their invention.

### **Claim Amendments and Allowable Subject Matter**

Applicant thanks the Examiner for noting that claims 2-6 and 12 would be allowable if written in independent form to include the limitations of the base claim and any intervening claims. However, Applicant believes that the arguments and amendments which follow overcome both the objections and rejections under 35 U.S.C. §112, first and second paragraph. Reconsideration in view of the following remarks is respectfully requested.

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

In that Action, the Examiner indicates that claims 7, 8, 9, 18 and 19 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure, which is not enabling. The Examiner further indicates that claims 1,10, 11, 14 and 17 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant regard as their invention. Applicant responds with the following remarks.

### **Claim Objections**

The Examiner indicates that claims 7, 8, 17, 18 are objected to because of the lack of clear antecedent support with respect to the term "the predetermined range".

However, the term "predetermined range" is declared in claims 1 and 11. In claim 1, it is declared in "a focus control module to adjust the focus position to make the deviation value fall in a ***predetermined range***"; in claim 11, it is declared in "adjusting the focus position to make the deviation value fall in a ***predetermined range***." (*Emphasis added*)

Therefore, the term "the predetermined range" in claims 7, 8, 17, 18 does not lack clear antecedent support.

### **37 USC §112 Rejections**

#### **1. Claims 7, 8, 9, 18 and 19 are rejected under 35 U.S.C. 112 first paragraph**

The Examiner indicates "[t]he predetermined range (as recited in these claims) is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. However, no such range is disclosed. The Examiner cannot map such predetermined range with the remainder of the specification."

According to this application, the "predetermined range" is declared in claims 1 and 11. Furthermore, the "predetermined range" is described in the specification by *three examples*. One of them is illustrated on page 8, lines 8-14. "The optimal focus position of the optical pickup head can be obtained by controlling the deviation value under 100mV, as shown in FIG. 2-B." This disclosure indicates that the focus control module 28 generates a focusing control signal to adjust the focus position to make the deviation value fall in the predetermined range, i.e. under 100mV(referring to page 6, lines 26-27, and page 7, line 1). Therefore, the "predetermined range" is under 100mV in this example. Similarly, in other examples, the "predetermined range" is also under 100mV (page 8, lines 15-25).

Therefore, the "predetermined range" is sufficiently disclosed, and claims 7, 8, 9, 18 and 19 are fully enabled by the disclosure.

#### **2. Claims 1, 10, 11, 14 and 17 are rejected under 35 U.S.C. 112 second paragraph**

##### **a. claims 1 and 11**

Regarding claim 1, the deviation value is obtained from a comparative value of the level of the focus error signal of the header and the reference level of the recording area (referring to page 5, line 25, and page 6, line 1). Further, the reference level can be defined by the level of the focus error signal of the recording area (referring to page 5, line 24). A reflective beam from the focus position is receiving to analyze the focus error signal associated with the focus position, therefore the reference level is generated when a reflective beam is reflected from the recording area (referring to page 5, lines 23-24, page 6, lines 2-10). On the basis of the above, claim 1 is clearly both depicted and recited i.e., the deviation value is determined from the focus error signals from the header region and the data recording region area. Even though some characteristics mentioned above are also claimed in claim 2, Applicant does not believe claim 1 is unclear to the skilled artisan when read in light of the specification.

Regarding claim 11, the same arguments presented above with regard to claim 1 apply. Claim 11 is clearly depicted and recited even though some characteristics mentioned above are also claimed in claim 12.

Therefore, Applicant submits that claims 1 and 11 are both clearly recited and fully enabled to the skilled artisan.

b. claims 14 and 17

In compliance with the Examiner's request, the dependence of the amended claims 14 and 17 has been adjusted.

**Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested.

Should the Examiner not be of the opinion that this case is in condition for allowance, it is requested that this amendment be entered for the purposes of appeal, since it materially reduces the issues on appeal by adjusting the dependencies of claims 14 and 17, as well as noting that claims 1 and 11 provide antecedent basis for "the predetermined range" recited in claims 7, 8, 17, and 18,

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thereby rendering moot the outstanding rejections under 35 U.S.C. § 112, first and second paragraphs.

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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